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May 24, 2012

VIA ECF AND FIRST CLASS MAIL

Honorable Brian M. Cogan
United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Javier Molina*; 11 CR 335 (BMC)

Dear Judge Cogan:

I write on behalf of my client Javier Molina, 11 CR 335 (BMC), to respectfully supplement my May 17, 2012 letter to Your Honor pursuant to Rule 32 of the Federal Rules of Criminal Procedure, in anticipation of Mr. Molina's Thursday, May 31st sentencing, which is scheduled for 10:00 a.m. that morning. I understand that this letter is submitted subsequent to Your Honor's May 17, 2012 deadline for defense submissions, but I received an e-mail yesterday at about 1:42pm that I would like to bring to Your Honor's attention. I respectfully request that Your Honor accept this letter submitted on Mr. Molina's behalf, as it was drafted as soon as practicable after I received the May 23rd e-mail described herein.

In my May 17th letter to Your Honor, in the last paragraph of page 4 of my letter, I informed the Court that Mr. Molina "was gainfully employed at the time of his arrest and, according to his employer, may very well have a position waiting for him upon his release." I have been in contact with Mr. Molina's former employer's office manager, Mr. Jose Saldana regarding the viability of Mr. Molina returning to his former position at the Hope Ambulette Company in the Bronx upon Mr. Molina's eventual release from prison. Yesterday, May 23rd, Mr. Saldana e-mailed me and informed me the "[w]e here at Hope Ambulette have no problem offering Mr. Molina his job back, as long as he qualifies." A copy of Mr. Saldana's May 23rd e-mail to me is attached hereto.

I have reached out to Mr. Saldana to learn what Mr. Molina must do to "qualify" to get his former job back. So long as Mr. Molina's felony conviction is not a disqualifying factor, I fully anticipate that Mr. Molina is "qualified" to get his former job back. I will continue looking into this matter in an effort to secure employment for Mr. Molina upon his release from prison, whenever that might be.

Honorable Brian M. Cogan


May 24, 2012

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Please have a member of the Court's staff contact me if Your Honor has any questions about Mr. Molina or the subject matter of this letter.

Respectfully submitted,

The Law Offices of Scott L. Fenstermaker, P.C.

By: 
Scott L. Fenstermaker, Esq.

Enc.

cc: AUSA Nathan Reilly (via ECF and e-mail)
Ms. Jill B. Polish (via e-mail)
Mr. Javier Molina (via hand delivery)

Scott Fenstermaker

From: Jose Santana <santana@hopeambulette.com>
Sent: Wednesday, May 23, 2012 1:42 PM
To: Scott Fenstermaker
Subject: RE: Mr. Javier Molina

Good Afternoon Mr. Fenstermaker,

I have received your e-mail as well as your letter by mail. We here at Hope Ambulette have no problem offering Mr. Molina his job back, as long as he qualifies.

If you have any other questions please let me know.

Thank you,

Jose Santana

From: Scott Fenstermaker [<mailto:scott@fenstermakerlaw.com>]

Sent: Thursday, May 10, 2012 11:32 AM

To: Jose Santana

Subject: Mr. Javier Molina

Dear Mr. Santana,

I am an attorney and I represent a gentleman by the name of Javier Molina. Please see the attached letter regarding his possible reemployment with your organization. Feel free to call me at any time. Thank you very much for your consideration of Mr. Molina's situation.

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